

MAILED NOTICE

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil Action No. 03-3459 (MJD/RLE)

NOTICE OF DISMISSAL OF CLAIMS

FROM: MICHAEL J. DAVIS
JUDGE, UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

TO: ALL APPLICANTS FOR EMPLOYMENT WITH JD DONOVAN WHO
WERE GIVEN AND RETURNED APPLICATIONS CONTAINING
REQUESTS FOR INFORMATION REGARDING DISABILITIES.

This Court wishes to inform you that Plaintiff and Defendant JD Donovan have agreed to a stipulation in a lawsuit alleging violation of the federal Americans with Disabilities Act and the Minnesota Human Rights Act. If approved by the Court, this will be a resolution of the ADA claims and a dismissal of the case. The Court has reviewed the stipulation and has given it preliminary approval. Although no class of plaintiffs has been certified by the Court, the parties have voluntarily agreed to provide this Notice to potential members of the proposed class as part of the dismissal procedures in this matter. Before deciding whether to finally approve the stipulation, the Court wishes to inform you of its general terms and of your right to comment on the stipulation, if you so desire. You may also appear and be heard at a fairness hearing regarding this settlement, either by yourself or, at your own expense, with an attorney of your choice. If you have no comments or objections concerning the stipulation, you need not do anything

at all. If the stipulation is finally approved by the Court and becomes effective, the Court's judgment will be final and binding.

The Court will decide whether to give final approval to this stipulation to dismiss after a hearing to be held at 9:00 a.m. on July 28, 2006, in the courtroom of the Honorable Michael Davis at the United States District Court of the District of Minnesota, 300 Fourth Street, Minneapolis, MN 55415. You are not required to appear at the hearing. If you are a potential class member and do not appear, you will be represented by attorneys for the proposed class at no cost to you. If you are a potential class member, you may, if you wish, appear and comment on or object to the settlement to the extent it might affect you. You may also hire an attorney of your own choice, if you wish, at your own expense.

If you plan to comment on or object to the manner in which this dismissal might affect you, you must file a written notice of appearance identifying yourself and any attorney you may retain and state specifically why you want to object to the dismissal. This statement must be mailed to the Court at the following address: Clerk of the United States District Court, 300 South Fourth St., Room 200, Minneapolis, MN 55415. It must be postmarked on or before July 5, 2006 to be considered. You need not appear at the hearing for your comments or objection to be considered by the Court. However, you may appear only if you first file the notice and statement described above to advise the Court of your intention to appear.

SUMMARY OF STIPULATION FOR DISMISSAL

A. Effect of the Stipulation

1. Allegations in the litigation

This lawsuit started in 2003 as a result of discrimination charges against JD Donovan brought on behalf of Plaintiff and other applicants for employment. The Plaintiff alleges that JD Donovan provided applicants with applications that violated the Minnesota Human Rights Act and the Americans With Disabilities Act because they requested information relating to disabilities. Plaintiff's claim in this matter, however, is not covered by the Americans With Disabilities Act due to an insufficient number individuals employed by JD Donovan. Because Plaintiff's case cannot proceed in federal court on that claim, the parties have agreed to voluntarily dismiss this lawsuit.

2. Persons affected

You are a potential member of the proposed class affected by the dismissal if you are an applicant who received and returned an application form from JD Donovan which requested medical information or information relating to disabilities during the time frame May 22, 2001 to the present.

3. Effect on individual claims

The stipulation agrees to permit the court to dismiss with prejudice claims of violation of the Americans with Disabilities Act against J D Donovan, which were made or could have been made, by potential members of the proposed class described above based on their applications for employment with J D Donovan during the relevant time period. Claims that are dismissed with prejudice may not be brought at any later time.

The stipulation agrees to permit the court to dismiss without prejudice claims of violation of the Minnesota Human Rights Act against JD Donovan, which were made or could have been made, by potential members of the proposed class described above based on their applications for employment with J D Donovan during the relevant time period. Claims that are dismissed without prejudice may be brought again at a later time.

HEARING

If you have an objection to the dismissal of any of the claims in this suit and do not file it with the Court, the Court will not consider it in determining whether to enter the order as stipulated by the parties. Any attorney who will appear at the hearing on July 28, 2006 on your behalf must identify him/herself in writing to the Court no later than the last day for filing written objections, July 5, 2006. If you do not wish to object to or comment on the terms of the dismissal, it is not necessary to attend the hearing or do anything else.

Potential Class members may obtain a written response to their written questions about the case Class Counsel by addressing your inquiries to Culberth & Lienemann, LLP, 1050 Piper Jaffray Plaza, 444 Cedar Street, St. Paul, Minnesota 55101.

The judgment of the Court will be final as to the federal claims alleged in the suit.

Dated: June 2, 2006

s / Michael J. Davis
Judge, United States District Court
for District of Minnesota